

1  
2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

8 JOHN D. WHITE, et. al., ) CASE NO. 1:02cv5939 OWW TAG  
9 )  
10 Plaintiffs, ) **ORDER REGARDING**  
11 ) **SETTLEMENT CONFERENCE**  
12 v. )  
13 FREDERICK A. BROWN, et. al. )  
14 )  
15 Defendants. )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

On May 12, 2005, the Court convened a settlement conference in this case pursuant to the Scheduling Conference Order of the Honorable Oliver W. Wanger dated November 22, 2002 (Doc. 10) as modified by Order dated February 8, 2005 (Doc. 59), and Rule 16-270 of the Local Rules of the United States District Court for the Eastern District of California. The settlement conference was held before Magistrate Judge Theresa A. Goldner. Michael P. Stone, Esq., and Stephen J. Horvath, Esq., appeared on behalf of Plaintiffs. Deputy Attorney General Michael G. Lee, appeared on behalf of Defendants.

At the conclusion of the proceedings on May 12, 2005, the Court made the following findings:

1. Plaintiffs John D. White and Beverly White were present at the settlement conference and had authority to settle the case.
2. Defendants were not present at the settlement conference, did not cause any person authorized to settle the matter on their behalf to be present at the settlement conference with Defendants' counsel, and did not cause a representative from the California Department of Corrections to be present at

1 the settlement conference with authority to settle the case. In sum, Defendants'  
2 counsel appeared at the settlement conference unaccompanied by any  
3 Defendant, or any person capable of disposition or with authority to settle the  
4 case on their behalf at the settlement conference.

5 3. Defendants did not obtain Court permission to allow their counsel to appear at  
6 the settlement conference unaccompanied by any Defendant, or any person  
7 with authority to settle the case on their behalf.

8 4. Defendants' failure to appear at the settlement conference or to cause any  
9 person with authority to settle the case on their behalf to appear with  
10 Defendants' counsel at the settlement conference was in violation of Rule 16-  
11 270(f)(1) of the Local Rules of the United States District Court for the Eastern  
12 District of California, as well as the provisions of Paragraph XIII 2 of the  
13 Scheduling Conference Order.

14 5. Due to Defendants' failure to appear at the settlement conference with counsel,  
15 or to cause any person with authority to settle the case on their behalf to appear  
16 at the settlement conference with Defendants' counsel, the Court was unable to  
17 conduct a meaningful settlement conference on May 12, 2005.

18 6. The Court was advised at the settlement conference that the persons with  
19 authority to settle this matter on behalf of Defendants include Bruce Slavin,  
20 Esq., General Counsel, California Youth & Adult Correctional Agency, and  
21 Jeanne Woodford, Director, California Department of Corrections.

22 Based on the foregoing findings, the Court makes the following orders:

23 1. The settlement conference in this matter is rescheduled for May 26, 2005 at  
24 10:00 a.m. before Judge Goldner, at 1200 Truxtun Avenue, Suite 120,  
25 Bakersfield, California.

26 2. Defendants are ordered to have the following persons present at the May 26,  
27 2005 settlement conference: Bruce Slavin, Esq., General Counsel, California  
28 Youth & Adult Correctional Agency, and Jeanne Woodford, Director,

California Department of Corrections.

3. Deputy Attorney General Michael G. Lee and Chief Assistant Attorney General Robert R. Anderson, both of whom are counsel whose names appear as Defendants' counsel on the pleadings in this matter, are to cause Bruce Slavin, Esq. and Jeanne Woodford, Director, California Department of Corrections, to be effectively served with a copy of this Order no later than May 23, 2005, and to cause proof of service thereof to be filed with the Court no later than May 24, 2005.
4. Any request to continue the May 26, 2005 settlement conference shall be the subject of a fully executed stipulation and for a date cleared in advance through Courtroom Deputy A. Leon Guerrero at 661-326-6620.
5. The Court finds that Plaintiffs have incurred the following expenses in connection with the settlement conference: Seven hours of attorney time for Michael P. Stone, Esq., at \$350.00 per hour for a total of \$2,450.00; Seven hours of attorney time for Stephen J. Horvath, Esq., at \$150.00 per hour for a total of \$1,050.00; and Plaintiffs' travel and lodging expenses in the amount of \$200.00 for a total amount of \$3,700.00.
6. Based on the amounts found in the immediately preceding paragraph, the Court orders Defendants and each of them to pay Plaintiffs forthwith the sum of \$3,700.00 as a sanction for the violations of Rule 16-270(f)(1) of the Local Rules of the United States District Court for the Eastern District of California, and the Scheduling Conference Order.
7. The Order for sanctions in the amount of \$3,700.00 is stayed until May 26, 2005 and will be reconsidered by Judge Goldner at the conclusion of the May 26, 2005 settlement conference.

IT IS SO ORDERED.

**Dated: May 19, 2005**

**/s/ Theresa A. Goldner**

j6eb3d

UNITED STATES MAGISTRATE JUDGE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28